

# **The Blind and Physically Handicapped in Competitive Employment: A Guide to Compliance**



*Publication of the*  
NATIONAL FEDERATION OF THE BLIND  
1346 Connecticut Avenue NW., Suite 212  
Washington, D.C. 20036

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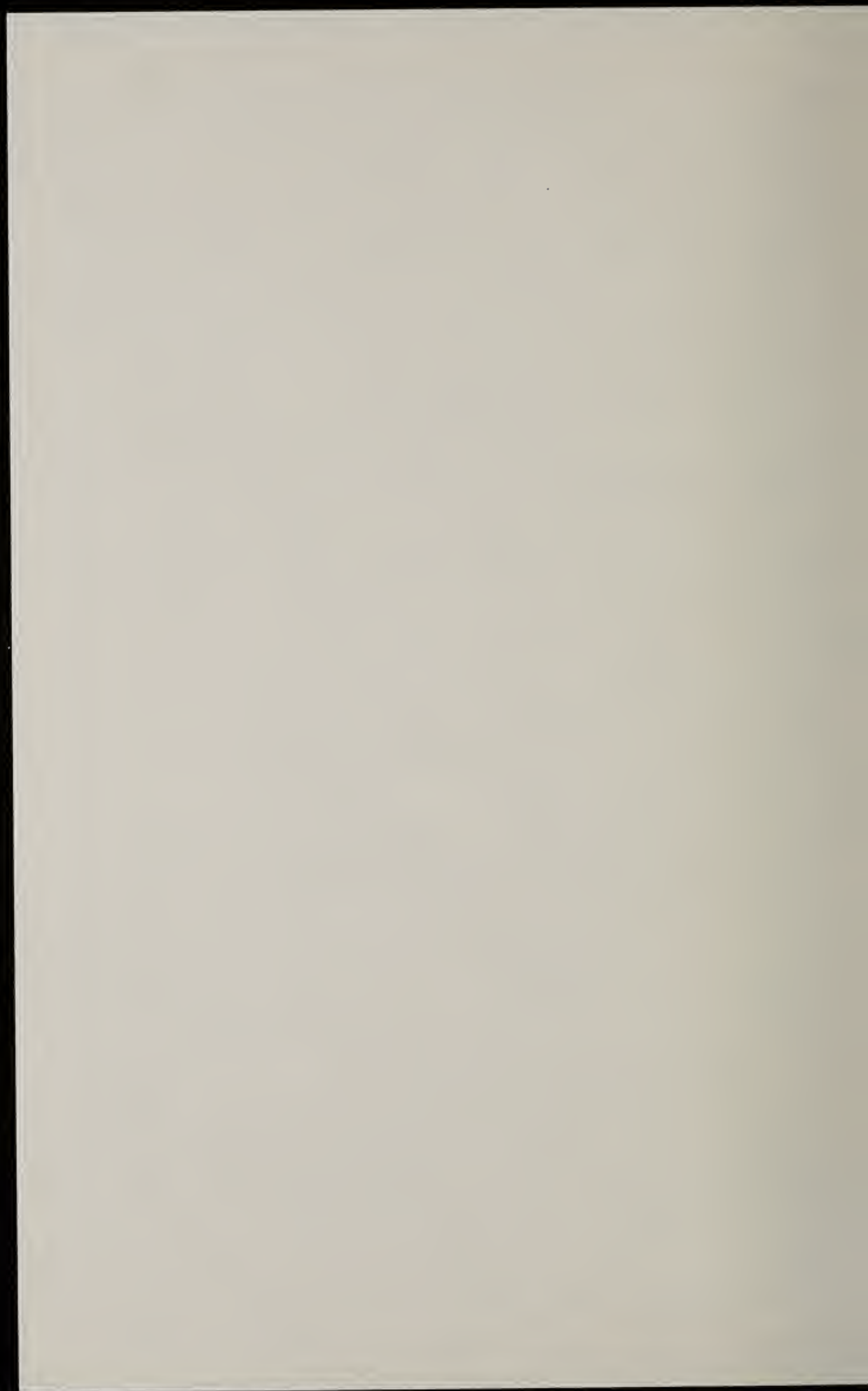
## ERRATA

Page 19, second paragraph, third line:

The reference should be to section 503, not section 504.

Page 36, second paragraph, third line:

The last word should be "minority," not "majority."



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In a very real sense the late 1970's have become to the handicapped what the 1960's proved to be for racial minorities: a period of heightened public awareness of the capacities of the handicapped and commitment to equal opportunity for the members of this class heretofore underutilized when given opportunity to compete at all.

Most who read these words are acutely aware of the federal government's commitment to end discrimination against and to provide reasonable accommodation for the handicapped. What proves troublesome to many people, however, is the maze of references in current business and professional literature to title V, sections 501-504 of the Rehabilitation Act of 1973, and the vast amount of sketchy and misleading information which has been disseminated on the subject. No sooner had the 504 regulation been signed, for example, than *Newsweek* informed that magazine's readers that colleges and universities receiving federal funds would be forced by the regulation to purchase "expensive study aids" for their handicapped students. The author, either ignorant of the role of vocational rehabilitation agencies in providing such aids or choosing to ignore it, inadvertently clouded the issue of compliance for college and university administrators attempting to assess the cost to their institutions. The purpose of this publication, therefore, is to provide a clear discussion of what constitutes the social background of the law and the regulation and what they actually require, what constitutes compliance and what resources are available to assist in meeting the requirements, and what larger social and philosophical implications for affected agencies and institutions are addressed in the entire matter of ending discrimination against the handicapped—both in admissions and hiring and in making programs accessible to them. Our goal is to provide the reader some background, expertise, and genuine knowledge in the problems of the handicapped

surrounding compliance with the applicable federal laws and regulations.

Before we begin to explore the provisions of the federal law and regulations, however, it would be well to assess the overall climate in which they have been developed and become fully operative as well as the complex web of issues and attitudes in which the uninformed can all too easily become ensnared. Dr. Kenneth Jernigan, Director of the Iowa Commission for the Blind, recently addressed these in some detail, pointing up the kinds of attitudinal problems which will have to be faced as enforcement proceeds.

When the new programs for the handicapped which were developed after World War II were implemented, Dr. Jernigan points out, the problems were difficult; but they were of a different nature from those facing the handicapped today. In the 1940's and 1950's buildings had to be found to house rehabilitation facilities; staffs had to be assembled and trained; and handicapped persons had to be encouraged to self-confidence and belief and be given instruction in skills and techniques. Congressmen, state legislators, governors, administrative officials, and the general public had to be persuaded to provide the money and support to make the programs possible.

Difficult problems, but essentially non-controversial. On the surface there was no violation of traditional notions about extending a helping hand to the handicapped and the fact that the handicapped needed that helping hand. In those days (twenty or thirty years ago) it was not uncommon to find such efforts moving—passersby, for example, applauding with tears in their eyes as handicapped persons learned the skills of self-reliant daily living. So these programs were launched in an atmosphere of general acclaim. Buildings were purchased and/or remodeled, some of them destined to house programs which became recognized as the best of their type in the world (the Iowa Commission

for the Blind program, for example, has entertained any number of foreign visitors who have been referred there by federal officials to see the best this country has to offer in the way of rehabilitation programs for the blind).

Other dramatic developments followed. State rehabilitation agencies added staff and opened district offices to deliver services in a more timely and efficient manner. As a result, an increasing number of the handicapped completed their training and found productive employment—becoming taxpaying citizens. By the late 1960's and early 1970's, there was widespread enthusiasm and support for rehabilitation programs. Dr. Jernigan's own experience in Iowa is perhaps symptomatic: By 1968 Iowa's programs for the blind had gained such preeminence that he was given a special award by the President of the United States for Iowa's leadership and pioneering in work with the blind and for the example which was being set for the entire handicapped population.

Then, something started happening. Trained for full participation in community life, the handicapped began to seek it—talking not just about gratitude but also about their rights as citizens. They called denial of equal consideration for jobs discrimination. They asked that they receive insurance on equal terms with others unless it could be shown that they were a greater risk; and at least one state insurance commissioner listened, heard, agreed, and issued a rule prohibiting such discrimination. They asked for equal rights in the rental and purchase of housing, attendance at educational institutions, use of public transportation, and access to all public accommodations available to others.

And this is the source of the problem: The new role of the handicapped is taking some “getting used to” on the part of the public. Some of the very insurance companies and landlords and employers who supported the training programs that led inevitably to the present insistence of the handicapped that they be

allowed to participate are now resenting the results. In effect they are saying, "The handicapped are getting too pushy. They should stay in their place."

A few of the handicapped themselves (either having tried and failed or merely wishing to keep the security of the old custodialism) resent the new ideas—bitter with the sense of their own inadequacy and lost opportunities. However, this is a tiny (though sometimes vociferous) fraction of the handicapped population. Overwhelmingly the public and the handicapped alike welcome the new day.

And there are many manifestations of this new day—for example, the emergence of articulate spokesmen from the handicapped themselves and the appointment of handicapped persons to key leadership posts in the fields of vocational rehabilitation and other services to the handicapped. Dr. Kenneth Jernigan, mentioned earlier in this discussion and himself blind, for years has led the struggle for civil rights for the blind in this country, and his influence has been felt around the world. Mr. Harold Russell, a veteran who lost both hands, has forcefully led the President's Committee on Employment of the Handicapped to a position of credibility and influence. Two days after the publication of the final section 504 regulation, a blind lawyer named David Tatel was sworn in as Director of the Office for Civil Rights in the Department of Health, Education, and Welfare—a clear assertion of the federal government's genuine commitment to the new program. A disabled veteran, Mr. Max Cleland, is the Administrator of the Veterans Administration. This list could easily be expanded to several pages, but the point is already apparent. The public is beginning to be presented with an image of handicapped persons which does not fit the old stereotypes and which, as has been pointed out above, is taking some getting used to. Slowly but surely, however, the old walls of separation between the handicapped and the rest of society are crumbling.



This is not to say that there are abroad no myths or stereotypes which act as barriers to employers and administrators as they approach their responsibilities in compliance. Vocational rehabilitation personnel have faced some of them for years. For example, employers who have never hired handicapped people tend to judge all of the handicapped by the one or two they may have known, leading to some unjustified generalizations. But there is also a tendency abroad to judge them by the least effective and least competent members of the larger, non-handicapped population. In other words, if an activity can't be done by a person without a handicap, a "normal person," then how can it possibly be done by a handicapped person?

One of the clearest illustrations of the point imaginable occurred some time ago in a midwestern state when an attempt was being made to secure employment for a blind man in a corn oil factory. The job involved the operation of a press into which a large screw-type plunger fed corn. Occasionally the press would jam, and it was necessary for the operator to shut it off and clean it out before resuming the operation. The employer had tentatively agreed to hire the blind man; but when a counselor showed up to make final arrangements, the deal was off. The employer explained that since the counselor's last visit, one of his sighted employees had got his hand caught in the press, and the press had chewed it off. It developed that that sighted employee had been careless. When the press had jammed, he had not shut it off, but had tried to clean it while it was still running. The employer said, "This operation is dangerous! Why, even a sighted man got hurt doing it! I simply couldn't think of hiring a blind man in this position!" It was to no avail that the agency urged and reasoned. They might have told him (but tactfully didn't) that if he intended to follow logic, perhaps he should have refused to hire any more sighted people on the operation. After all, it was not a blind man who made the mistake.

Let us not be too quick to condemn that employer's insensitivity, however; for without thinking things through, he really thought he was acting in both his own best interest and that of the blind person. He was part of the public and had the public's misconceptions about the handicapped and the old stereotypes about them, and these kept him from seeing that a blind operator with training and a normal respect for safety rules could have run the machine safely.

An employer in a New England state was recently approached and asked whether he would consider hiring a person in a wheelchair for a particular job. He quickly and emphatically said that he would not. Further conversation indicated that he had employed a deaf person approximately fifteen years earlier, and the deaf person had not done the job to his satisfaction. (It was, incidentally, a totally different and unrelated job.) The employer concluded the conversation with the self-righteous statement: "I have as much sympathy as anybody for the handicapped. I never refuse to give to the fund drives. But I run a business, not a charity. I tried one (a handicapped person), and they simply can't do the work."

In another case involving an individual with an orthopedic handicap, an employer in the Southeast said: "I tried someone with this handicap several years ago, and it was most unsuccessful. The individual kept coming to work drunk. I would like to help the handicapped, but I can't justify hiring them in my business. They drink too much."

In other words the misunderstandings and misconceptions are not limited to any particular section of the country, nor are they confined to a given age group or sex. In the case just cited, for example, the employer was a woman. If she had been in some other section of the country and had been refused consideration for a job on the grounds that the employer had once had a southern female employee who was a heavy drinker and that, therefore,

enough was enough, and he wanted nothing more to do with southern women because of their heavy drinking, she would probably have been outraged; but, of course, she was doing exactly the same sort of thing. The fact that the similarity was not immediately obvious is a commentary on public attitudes, not on the incident in question.

Let it not be thought that because the Midwest, New England, and the Southeast have been cited, this means that the Rocky Mountains are a line of demarcation between prejudice and enlightenment.

A person with a severe hearing impairment had been employed in a West Coast shipyard for five years. He had received commendations for both performance and safety. The company employed a new doctor to head its medical program. To begin his job the new doctor decided that every employee in the plant should be given a physical. When he learned that a handicapped person (one with a severe hearing impairment) was employed by the company, he recommended immediate dismissal on the grounds that a deaf person could not safely perform the work in question. It had, of course, been known from the beginning that the individual was deaf. Never mind that he was currently doing the work and that he had been doing it for the past five years! Never mind that he had received both performance and safety commendations! Never mind that the decision did not properly involve medical judgment at all! The company accepted the recommendation of its new doctor, and the employee (performance record, safety record, and the rest) was sent packing. One more unemployed citizen; one more load on the taxpayers; one more damaged life; one more unnecessary scar on American business and productivity.

Perhaps it is all best summed up by a story told by a rehabilitation official concerning his attempt to help a young handicapped woman find employment. He tells it this way:

I was attempting to help a severely handicapped young woman find employment as a secretary. She was a good typist, could fill out forms, handle erasures, take dictation, and otherwise perform competently. She was neat in her person and could move independently anywhere she wanted to go. She was also severely handicapped. I called the manager of a firm which I knew had a secretarial opening and asked him if he would consider interviewing the handicapped person in question. He told me that he knew of the “wonderful work” which handicapped persons were doing and that he was most “sympathetic” to our cause, but that his particular setup would not be suitable. As he put it, “Our work is very demanding. Speed is at a premium, and a great deal of work must be done each day. Then, there is the fact that our typewriters are quite a ways from the bathroom, and we cannot afford to use the time of another girl to take the handicapped person to the toilet.”

At this stage I interrupted to tell him that during the past few years new techniques had been developed and that the girl I had in mind was quite expert in getting about, that she was able to go anywhere she wished with independence. He came back with an interruption of his own.

“Oh, I know what a wonderful job they do in accomplishing things for themselves. You see, I know a handicapped person. I know Miss X, and I know how competent she is.” I continued to try to persuade him, but I knew my case was lost. For, you see, I also know Miss X, and she is one of the least competent and most helpless people I know with the particular handicap in question.

The man with whom I was talking was not being insincere—far from it. He thought that the ordinary handicapped person, by all reason and common sense, should be completely helpless and unable to do anything at all. He thought that it was wonderful and remarkable that the women he knew could do as well as she did. When compared with what he thought could normally be expected of the handicapped, her performance was outstanding. Therefore, when I told him that the person that I had in mind could function independently, he thought that I meant the kind of work he had seen from Miss X. We were using the same words, and we were both sincere, but our words meant different things to each of us. I tremble to think what he thought I meant by “good typing” and “all around competence.”

By and large, we are seeing the old ways of thinking about the handicapped begin to die out. Taking a cue from the experience



of civil rights movements for blacks and women, however, we must be certain that as a society we do not settle for tokenism in employment of the handicapped. That requires vigilance.

Consider the following example of tokenism in its most patronizing form. For years one employer extolled to an administrator of programs for the handicapped the virtues of a certain severely disabled lawyer who was actually one of the least competent attorneys around. Over and over again he spoke highly of this lawyer's ability, until someone at length asked bluntly if he would hire the man as an attorney to defend him in a life-or-death matter. Well, no, he finally admitted. The truth was finally out: The severely handicapped lawyer was fine for handling someone else's affairs, and it made the employer who sang his praises feel righteous and dedicated to do so; but it was all a charade which also held up to the public an absolutely incompetent handicapped person as a model of what the handicapped can do. Quite to the contrary, employers should be just as willing to fire an incompetent handicapped person as to hire one presumed competent.

It is certainly not this kind of grudging and counterfeit acceptance into the mainstream of society that the handicapped are after. Present employers, not only prospective ones, must emotionally as well as intellectually accept the notion that qualified handicapped people can really cut it in competitive employment, and they must be willing to act on that belief. This kind of opportunity for the handicapped must be viewed as a right, not as an act of charity and benevolence.

Some years ago a large midwestern electronics firm employed a blind person as an electrical engineer. The director of rehabilitation programs for the blind in the state reports as follows:

About six months after the blind electrical engineer was hired, a friend of mine in the news business asked me whether I thought the blind person

was really “carrying his weight” or whether I thought the company had hired him merely as a matter of public relations. I told him that I hoped and believed he was earning his pay, but that since I was not an expert in electrical engineering and was not with him on the job on a daily basis, I really couldn’t honestly answer the question.

A couple of years later a second blind person in our state graduated from college as an electrical engineer. (Probably he was encouraged by the success of his predecessor.) Whereas the first blind electrical engineer had tried for three months before finding employment, the second was hired the day after graduation—and by the same company. I then looked up my friend in the news business and told him: “I think I can answer your question now; for if they needed one blind person for public relations, they didn’t need two.”

The most interesting (and undoubtedly, the most significant) part of this story comes in the further comments of the rehabilitation official:

I went [he said] into my office and locked the doors. I sat down and had a heart-to-heart talk with myself. “All right,” I said, “did you ever really believe he was fully carrying his weight? You have worked to sell others on the competence of the handicapped for years. You encouraged this man to go to college to study to be an engineer. You tried to persuade people to employ him. You were delighted when he got a job. But deep down in your heart, did you really believe he was really competent—did you, that is, until the second engineer was employed?”

The rehabilitation official concluded his story by saying:

I wish that I could tell you that my answer was unequivocal and affirmative. The truth is that I don’t know. Each and every one of us (the professional rehabilitation official as well as the layman) is so conditioned by society that we accept the misconceptions and misunderstandings without even knowing that we are doing it. We often give lip service and tokenism. This is what we have to change.

Yet with all of the misunderstandings and misconceptions, the prejudice and the resistance, the denials and the put-downs, the handicapped are better off today than they have ever been.

It is not that the problems are worse. Far from it. It is only that government, the business community, the public at large, and especially the handicapped are becoming aware and are gearing up for change. The handicapped are now working in almost every imaginable kind of employment. A quadriplegic runs a successful insurance business. A young woman in a wheelchair successfully performs as a word-processing supervisor. Another does typing and filing. A deaf man does typing and filing. A deaf man runs complicated machines in a factory. An epileptic does accounting and bookkeeping. These people are not simply so-called "government has-tos." They are fully productive, earning their way. They are making money for their employers and reducing the tax load. They are one of the last (and often unrecognized) minorities.

The key has been to explode the myths about handicaps and to educate the public at large to look through the combination of characteristics peculiar to any one individual and see the human being with potential to contribute significantly to society. Is it any wonder that we are seeing a "revolution of rising expectation" among the handicapped as they are encouraged by the modest gains in these areas to set their sights on even more complete integration into the larger society of which we are all a part?

There is no such thing as a free lunch; so the handicapped will have to pay for the new freedom they seek. They will have to be willing to assume responsibilities as well as rights. They will have to give up the security of being taken care of and the countless little privileges which they have enjoyed. The public, too, will have to give up some of its cherished traditions—the pleasure of treating the handicapped like pets and children instead of equal members of the community; in short, the public must give up its feelings of superiority.

But what an exciting and challenging opportunity! It has never happened in any nation before. America has the chance to

take another step in leadership and pioneering. The handicapped are ready, and their leaders and responsible government agencies believe the public is ready. The future looks better for the handicapped today than it has ever looked at any other time or any other place in the entire history of the world.

In this milieu of a revolutionary change in the role of the handicapped in our society and an emergence of progressive attitudes on the part of many employers, we have seen the advent of the Rehabilitation Act of 1973 and important amendments to it in 1974, as well as the issuance of federal regulations which are designed to implement the law in some detail. It is to these we now briefly turn our attention.



## **I. CIVIL RIGHTS FOR THE HANDICAPPED: TITLE V OF THE REHABILITATION ACT OF 1973, AS AMENDED**

At the federal level the legislative approach to guaranteeing civil rights for the handicapped has been somewhat unusual. For years, in Congress after Congress, bills have been introduced to amend the basic Civil Rights Act of 1964 to expand its coverage to prohibit discrimination on the basis of handicap. For a variety of reasons these bills have never moved. As an alternative, the Congress approved, and the President signed, some civil rights provisions which were made a part of the Rehabilitation Act of 1973, as amended. These provisions are contained in title V of the act.

Title V consists of four sections, each dealing with a different aspect of civil rights for the handicapped. Section 501—"Employment of Handicapped Individuals"—establishes within the federal government an Interagency Committee on Handicapped Employees, which is to provide a focus for federal and other employment of handicapped persons and is to review the adequacy of hiring, placement, and advancement practices with respect to these persons by each agency in the Executive Branch of the federal government. Further, each agency is required to submit to the Civil Service Commission and to the Committee an affirmative action program to accomplish these employment goals. Section 502 establishes the Architectural and Transportation Barriers Compliance Board, which has broad areas of responsibility regarding architectural, transportation, and attitudinal barriers to the handicapped in public buildings, transportation, and housing. These first two sections are of somewhat specialized interest and thus will not be treated in depth here. It is the last two sections—503 and particularly 504—which are the focal points of this publication.



Section 503—“Employment Under Federal Contracts”—is quite explicit. It states that any contract in excess of \$2,500 entered into by any federal agency shall contain a provision requiring that, in carrying out the contract, the contractor shall take “affirmative action to employ and advance in employment qualified handicapped individuals.” This obligation also extends to subcontractors. Further, under section 503 it is specifically stated that the President shall implement this by promulgating regulations and that any handicapped person who believes that a contractor has failed or refuses to comply with these provisions may file a complaint with the Department of Labor, which shall promptly investigate and seek a resolution.

The detailed regulation implementing section 503 of the law was approved and published in the *Federal Register* dated April 16, 1976, as 41 CFR 60—250. With that information one should be able to obtain a copy of the regulation through his or her U.S. Congressman or Senator.

Section 504—“Nondiscrimination Under Federal Contracts”—has the broadest application. The entire section is one declarative sentence which reads: “No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

This language is almost identical to the nondiscrimination provisions of section 601 of title VI of the Civil Rights Act of 1964 and section 901 of title IX of the Education Amendments of 1972. Like those statutes, it establishes a governmentwide policy against discrimination in federally assisted programs and activities—in this case, on the basis of handicap.

The signing by HEW Secretary Califano on April 28, 1977, of the regulation implementing section 504 of the act was noted

with a great deal of interest by the press. This regulation is widely held to—as Secretary Califano himself has put it—“open a new world of equal opportunity for more than 35 million handicapped Americans—the blind, the deaf, persons confined to wheelchairs, the mentally ill or retarded, and those with other handicaps.” Since its publication in the *Federal Register* of May 4, 1977, the regulation has been carefully studied by some and misconstrued by a few, the latter contributing to some panic on the part of institutional administrators over what they must do to comply and the cost of such compliance. Thus, having placed this important regulation in the perspective of the total movement for rights of the handicapped, and having disposed of some of the more common fallacious reasons for denying opportunity to the qualified handicapped, we here undertake to outline succinctly the requirements which the section 504 regulation imposes on recipients of HEW funds. The Secretary himself made these quite clear when he signed the regulation:

- All new facilities must be barrier-free; i.e., readily accessible to and usable by handicapped individuals.
- Programs or activities in existing facilities must be made accessible to the handicapped within sixty days, and if no other alternatives—such as reassignment of classes or home visits—will achieve program accessibility, structural changes in the facilities must be made within three years. No exceptions to the program accessibility requirement will be allowed.
- Employers may not refuse to hire qualified handicapped persons on the basis of handicap, if reasonable accommodations can be made to an individual’s handicap and if the handicap does not impair the ability of the applicant or employer to do the specific job.
- Employers may not require pre-employment physical examinations and may not make a pre-employment inquiry about

whether a person is handicapped, or about the nature or severity of a handicap, although employers may make a pre-employment inquiry into an applicant's ability to perform job-related functions. However, a physical examination may be required after an offer of employment has been made.

- Every handicapped child will be entitled to free public education appropriate to his or her individual needs, regardless of the nature or severity of the handicap. In those unusual cases where placement in a special residential setting is necessary, public authorities will be financially responsible for tuition, room, and board.
- Handicapped children must not be segregated in the public schools, but must be educated with the nonhandicapped in regular classrooms to the maximum extent possible.
- Educational institutions must undertake each year to identify and locate unserved handicapped children.
- Colleges and universities must make reasonable modifications in academic requirements, where necessary, to ensure full educational opportunity for handicapped students. [Note: The key words here are "reasonable" and "necessary." Some groups of the handicapped have stated forcefully that they need and want *no* modifications in academic requirements, wishing merely the opportunity to compete like everyone else.]
- Educational institutions and other social service programs may not exclude a handicapped person due to the absence of auxiliary aids, such as readers in school libraries or interpreters for the deaf. If such aids and services are not available through state or private sources, it is then the responsibility of the recipient to provide them. (See the *Handbook for Blind College Students*, which contains sources for such services and aids.)

- All recipients of HEW funds must complete within one year a self-evaluation process, in consultation with handicapped individuals and organizations, to determine which of their policies and practices need to be changed to assure equal opportunity for handicapped Americans.

Overall, the final regulation demonstrates cognizance of the fact that each type of handicap imposes unique limitations and, therefore, that removing discriminatory barriers cannot be done by an approach which blanketly accepts the false principle that handicapped people are inherently less able and less resourceful than the non-handicapped. Whereas the regulation that was originally proposed and presented to organizations of the handicapped for their comment showed some tendency to encourage the creation of special approaches to serving the handicapped (a kind of “separate but comparable” approach), the final regulation clearly states that separate treatment is not to be the rule of thumb.

For example, in section 84.4—“Discrimination prohibited”—we find the following new language: “Despite the existence of separate or different programs or activities provided in accordance with this part, a recipient may not deny a qualified handicapped person the opportunity to participate in such programs or activities that are not separate or different.”

While the complexity and length of the 504 regulation does not permit any further analysis here, it can be seen that there is great potential for true equality, given the obvious determination of the federal government to end discrimination and the new sense of identity of the handicapped themselves. In signing the new regulation, Secretary Califano struck the keynote:

Section 504 and this regulation constitute a striking recognition of the civil rights of America’s handicapped citizens, just as title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972,

and their companion regulations, are critical elements in the structure of law protecting the civil rights of racial minorities and women.

In section 504, the Congress enacted a charter of equality to help end the shameful national neglect of handicapped individuals and to translate many of their legitimate needs into legal rights.



## II. WHAT DOES IT TAKE TO COMPLY WITH TITLE V, ESPECIALLY THIS SECTION 504 WE'VE HEARD SO MUCH ABOUT?

In this section we seek to answer some questions commonly asked about compliance. While it is impossible in a publication like this to anticipate every question which might arise, there are organizations of the handicapped and government agencies at the state and federal level which can provide information on special problems.

### **How do I know that my business, agency, or institution is affected and must comply?**

If yours is a private business with a federal government contract or subcontract for \$2,500 or more to furnish services, supplies, construction, etc., it is covered by section ~~504~~ and must take affirmative action to hire handicapped workers. If you are a government contractor holding a contract or subcontract of \$50,000 or more and have at least 50 employees, you are also required to prepare and keep available a formal affirmative action program which clearly spells out your policies for hiring the handicapped. It can be an affirmative action program separate from those for other protected classes, or you can combine it with them as long as you can identify it and retrieve it as a separate entity. 503

States and their political subdivisions, agencies and departments of states or their political subdivisions, public and private agencies, institutions, organizations, or any other entity or person receiving federal funds either directly or indirectly from the Department of Health, Education, and Welfare\*—all of these

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\*Other federal departments will use the 504 regulation as a basis for issuance of their own regulations, so that recipients of all federal funds will ultimately be affected.

are covered by section 504 and the pertinent regulations. They therefore cannot discriminate in admissions or employment and must take steps to make their programs accessible.

### **Who is handicapped?**

The regulations say that a person is considered handicapped for purposes of sections 503 and 504 if he or she (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. In other words, any person who because of a physical or mental handicap experiences limited opportunity in communicating, getting around, caring for himself or herself, getting an education or vocational training, finding housing, or getting a job is designated for help under the law. The same goes for anyone who has a record of such handicap which might affect his or her chances. A person is considered handicapped for the purposes of the law, furthermore, if people regard him or her as handicapped.

**Some handicaps like blindness are pretty easy to identify, but I have heard you can't ask if a person has a handicap in advance of admission or employment. How, then, will I know if a person has some handicap which is not evident, has a record of one, or is regarded as having a handicap?**

You will not unless he or she voluntarily provides the information; and people should be invited to do so, provided that you make it perfectly clear in the invitation that you intend to use the information solely as a basis for voluntary or remedial action, that it will be kept confidential, that it need be given only voluntarily and that refusal to provide it will not result in penalty, and that it will be used only in connection with the applicable laws and regulations. It is absolutely a person's own choice whether he or she wishes to be identified as a handicapped person; and an affected school, agency, or employer may not

routinely require such identification as part of pre-admission or pre-employment inquiry. Along these lines, any pre-employment medical examinations must be required of all applicants, not just to determine presence or extent of a handicap where such is suspected. Offers of employment may be conditioned on the result of a medical examination. However, the medical examination must determine the ability of the applicant to perform job-related functions.

**Does all this mean that if a handicapped person shows up and identifies himself, I have to admit him or give him a job?**

Not at all. The regulations invariably state that discrimination is prohibited against *qualified* handicapped individuals. A person must be otherwise eligible for admission or acceptance for services or must be capable of performing a particular job with reasonable accommodation to his or her handicap.

**What will be considered reasonable accommodation? Will I have to rebuild my whole facility and purchase a lot of expensive equipment?**

There has certainly been a great deal of misunderstanding and misinformation on this score. Some handicaps will require almost nothing in the way of special accommodation. The blind, for example, will not find any existing architecture a problem, and special aids for blind students and employees are frequently provided as client services through the state-federal program of vocational rehabilitation. The same is true of many other types of handicap. The key word here is "reasonable," and if the business, agency, or institution can clearly demonstrate that such accommodation as is required under both sections 503 and 504 would create an undue hardship on the operation, even that requirement might be eased. Reasonable accommodation, however, can consist of many kinds of things other than simply making physical facilities readily accessible to and usable by

handicapped persons. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers and interpreters, and other similar actions may satisfy the obligation to make reasonable accommodation. And even making physical facilities accessible may simply mean providing such relatively simple things as ramps, removal of obstructions, or rearrangement or alteration of furniture—not reconstruction of entire buildings.

With regard to schools, especially, it is important to note that the section 504 regulation does not require that every existing facility or part of a facility be made accessible to the handicapped. The requirement is that the “program or activity, when viewed in its entirety, [be] readily accessible to handicapped persons.” That accessibility was to have been accomplished within sixty days of the issuance of the section 504 regulation. Even in the event that structural changes are necessary to guarantee accessibility, the affected agency or institution may, in consultation with the handicapped themselves, prepare a transition plan for implementing the necessary changes in a practical but expeditious manner.

The widespread misunderstanding concerning provision of special aids for the handicapped by schools and colleges is particularly unfortunate. Clearly indicated in the commentary on the section 504 regulation is the premise that, as long as no handicapped person is excluded from a program because of the lack of an appropriate aid, educational institutions do not have to build a stock of such items. A college library, therefore, is obviously not going to have to build its own braille collection or keep readers available at all times.

### **What are the accessibility requirements for new construction?**

Section 84.23 of the section 504 regulation says essentially that new facilities, including additions to and alterations of



existing facilities, now must be so designed as to be accessible to the handicapped, if those new facilities are constructed by, on behalf of, or for the use of a recipient of federal financial assistance.

**Isn't the requirement that greater numbers of handicapped people be admitted to programs and hired as employees going to raise things like workers' compensation and insurance rates?**

This is an argument that people have long used to deny equal opportunity to the handicapped, and enforcement of sections 503 and 504 will help explode this myth. Handicapped people in general, and handicapped workers in particular, are not more likely to have accidents than other employees. The President's Committee on Employment of the Handicapped and the Department of Labor have consistently demonstrated that handicapped workers have fewer disabling injuries than the average worker exposed to the same conditions on the job. The number of minor injuries runs at about the same rate for handicapped and non-handicapped. Since workers' compensation rates are based on the cost of past accidents of a company's employees and since the handicapped cannot be considered automatically unsafe, hiring the handicapped cannot affect workers' compensation rates.

The same line of reasoning holds true for rates charged for other types of insurance. The handicapped do not use more sick leave than other workers, their absenteeism often being even less than that of the non-handicapped. Since they really pose no peculiar hazard, they cannot legitimately be used as a basis to force up property or liability insurance rates.

**Is it true that a business, school, agency, or other covered institution must hire, accept, or admit drug addicts and alcoholics under the 504 regulation?**

What the regulation prohibits is discrimination against qualified handicapped persons solely by reason of their handicap,



and drug addiction and alcoholism are considered handicaps. The commentary on the regulation is careful to stress, however, that these conditions do not have to be ignored in assessing whether a person is qualified for certain services or some specific employment opportunities. The behavioral manifestations of these disorders may well make a person incapable of entering some programs or performing some jobs, but the disqualification must be on such legitimate grounds.

**Aren't businesses, schools, and agencies going to be needlessly hampered by being told they can't use some tests that might screen out some types of handicapped people?**

The key here, once again, is provided by the term "qualified." If a test can clearly be shown to yield a score which is directly related to qualifying a person for admission to a program (i.e., has been shown to be a valid predictor of success in the program) or demonstrating his or her competence at a certain job, it is not unfairly discriminatory. If its nature is such that it screens out people with certain handicaps without reference to success-related criteria, then its use would be rightfully prohibited.

### III. NEW CONCEPTS

A few people who have been in work with the handicapped will find some of the ideas we are about to share anything but new. If they are among the small but expanding group of professionals who have also been in the vanguard of the movement seeking full civil and human rights for the handicapped, many of these thoughts represent key parts of the philosophy by which they live and operate.

Put simply, what we contend is that compliance with the spirit as well as the letter of the new federal regulations requires that one take a somewhat revolutionary point of view toward the handicapped, recognizing them as minority groups—blind, deaf, paraplegics, etc.—that have known unfair discrimination just as surely and cruelly as have racial and ethnic minorities and women. We must put aside the old tendency to view the handicapped as those unfortunate people whom we would rather leave dealing with to a few altruistic and heroic types who devote their lives to caring for the afflicted and unfortunate. In fact, we must do our best to demand that professionals in work with the handicapped also escape this custodial and patronizing view of handicapped people and work to eradicate the misunderstanding and misinformation which hold the handicapped back. The problems have perhaps never been quite as clearly expressed as in an address delivered by Dr. Kenneth Jernigan in 1975 to the national convention of the National Federation of the Blind and subsequently reprinted in the August 15, 1975 issue of *Vital Speeches*. Although this address speaks directly to attitudes toward the blind, its major points are equally applicable to other types of handicap, and it thus forms a fitting conclusion to this publication.



## BLINDNESS: IS THE PUBLIC AGAINST US?

AN ADDRESS DELIVERED BY

KENNETH JERNIGAN

PRESIDENT, NATIONAL FEDERATION OF THE BLIND

AT THE BANQUET OF THE ANNUAL CONVENTION

CHICAGO, JULY 3, 1975

When the orange-billed seagull scares from my shadow and flees from  
my pass, I look up and see the sun laughing a smile on the water.  
When mothers and fathers shout and hit their children for discipline,  
I look up and see the sun lure transient clouds to cover her face.  
And when the blind man, dogless, loses his homeward path, I have seen  
the stranger straighten his solo way while the sun sets.  
I have wondered: Is there a land where the birds are unafraid, where  
the little children are uncried, and the blind people see—  
Where the sun won't laugh at the seagulls and hide from the children  
and leave when the blind man is lonely.

That poem—which appears on the wall of a California coffee house—portrays to a remarkable degree (even if only in microcosm) both the best and the worst traits of humanity: compassion, bigotry, sensitivity, obtuseness, concern, arrogance, perceptive awareness, and a total lack of understanding. Certainly with respect to blindness it exemplifies every misconception of the darkest Middle Ages. When the blind man (dogless or otherwise) is lonelier than others—when he has it so bad that the sun itself must flee from his plight, it is not the blindness which should be mourned but the social attitudes and the cultural heritage—the root causes of the broken spirit and the blighted soul. Second-class status and deep despair come not from lack of sight but from lack of opportunity, lack of acceptance, lack of equal treatment under the law, and (above all) lack of understanding.

Not only does the coffee house poet speak about blindness, but also (doubtless without knowing it) he speaks about our reason for organizing; for if the principal problem we face is

the blindness itself (the physical loss of sight and its alleged inherent limitations) there is little purpose in collective action. If, as the poem puts it, the only solution is “a land where the birds are unafraid, where the little children are uncried, and the blind people see,” we had better pack it in and leave it to the experts. And even then, there will be no real solution; for (with present knowledge and foreseeable technology) most of us who are blind today are going to stay that way, and that is that. If this is truly the way of it, let us take such comfort as we can from the doctor, the preacher, and the psychiatrist—and let us square our shoulders and take it alone, not seeking the company of others with similar affliction, who (at the very best) can only remind us of what we are not, and what we can never become.

But, of course, this is not the way of it—not at all. Everything in us rejects it. All of our experience denies it. We know that with training and opportunity we can compete on terms of absolute equality with the sighted, and we also know that the sighted (with education and correct information) can come to accept us for what we are—ordinary human beings, neither especially blessed nor especially cursed—able to make our own way and pay our own tab.

This is why the National Federation of the Blind came into being. In 1940 a small band of blind people from seven states met at Wilkes-Barre, Pennsylvania, to begin the movement. At first it was mostly faith and dreams, but that was over a generation ago. Today (with more than 50,000 members) we are a nationwide crusade with local chapters in every state and the District of Columbia. At an accelerating pace we have become aware of our needs, our potential, and our identity. An increasing number of the sighted have also become aware and now march with us; but the mass of the public, a majority of the media, and most of the social service agencies still think in pre-Federation terms.

Deep down (at the gut level) they regard us as inferior, incompetent, unable to lead an everyday life of joy and sorrow, and



necessarily less fortunate than they. In the past we have tended to see ourselves as others have seen us. We have accepted the public view of our limitations and, thus, have done much to make those limitations a reality. But no more! That day is at an end.

Our problem is so different from what most people imagine that it is hard for them even to comprehend its existence. It is not the blindness, nor is it that we have lacked sympathy or good will or widespread charity and kindness. We have had plenty of that—too much, in fact. Rather, it is that we have not (in present-day parlance) been perceived as a minority. Yet, that is exactly what we are—a minority, with all that the term implies.

Do I exaggerate? In the summer of 1972 the National Federation of the Blind held its convention in Chicago. A local television station sent a black reporter to do coverage. She went directly to the exhibit room and used most of her film on various mechanical aids and gadgets. To round out her story, she came to me and asked that I comment on the value and benefit of it all.

I responded obliquely, asking her how she would feel if she were at a national meeting of the NAACP or the Urban League and a reporter came and said he was there to film the shoe-shining and the watermelon-eating contest. She said she wouldn't like it. "Well," I said, "suppose the reporter took another tack. Suppose he wanted to spend all of his time and film on an exhibit of gadgets and devices incidentally on display as a sidelight of the meeting, ignoring the real problems which brought the group together in the first place." She said she wouldn't like that either. In fact, she said, it would be worse since the question about the shoe shining and the watermelons could be easily discredited, while the other approach was just as bad but far less apparent and, therefore, probably more destructive.

I then told her about a reporter who came to one of our meetings and said, "I'd like to get pictures of blind persons bowling

and of some of the members with their dogs.” I tried to explain to him that such a story would be a distortion—that we were there to discuss refusal by employers to let us work, refusal by airlines to let us ride, refusal by hotels to let us stay, refusal by society to let us in, and refusal by social service agencies to let us out. He said he was glad I had told him and that it had been very helpful and enlightening. Then he added, “Now, could I see the dogs and the bowlers? I am in quite a rush.”

As I told this story, the black reporter was obviously uncomfortable. She seemed truly to understand, but when I asked her if she still intended to feature the exhibits and the gadgets, she stuck to her guns. “In the first place,” she said, “I’ve already used all of my film. In the second place, my editor told me to do it, so that’s the way it has to be.” The television coverage appeared on schedule—usual image, usual distortion. There is nothing wrong with bowling or dogs or canes or exhibits, but it was a bad scene.

A year later (in June of 1973) the blind were again in Chicago—this time for a different reason. The National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (NAC) was meeting, and the blind were demonstrating and picketing. Formed in the mid-1960’s by the American Foundation for the Blind, NAC symbolized (as it still does) everything odious and repulsive in our long and painful tradition—custodialism by governmental and private social service agencies, ward status, vested interest, intimidation, exclusion, and second-class citizenship. Our attempts to gain representation on NAC’s board were answered by double-talk and tokenism, by Uncle Toms representing nobody but themselves and their masters, and by threats and reprisals. Finally, we had had enough.

So when (without warning and in violation of its own bylaws and policies) NAC tried to hide from us by changing its meeting from Cleveland, Ohio, to an out-of-the-way motel in Chicago (a

motel in the midst of construction and remodeling), we came to confront them. And not just a few of us, but the blind of the nation. It was short notice and difficult doing, but we came—hundreds of us, from all over the country: California, New England, the Deep South, and the Midwest.

It was a day of dramatic importance. It was the first time in history that the blind as a people (not just a local group or a given segment, but the blind as a people) had mobilized to take to the streets for collective action. There were state delegations, placards and signs, marches in downtown Chicago, and a rally at Civic Center Plaza. Was it newsworthy? By every test known to journalism, the answer would have to be yes.

Yet, the *Chicago Tribune* for Thursday, June 21, 1973, carried not a single line about the demonstrations. It was not that the *Tribune* forgot us. Far from it. There was not just one, but two stories about the blind. And what were these stories that were of such importance as to be more newsworthy than the first national demonstration by the blind in history? One was headlined “Busy Blind Man Finds Time To Help Children.” The other was captioned “Blind, He Directs Music In City School.”

What a commentary! It was all there. The blind are especially talented in music. They are also burdened and deprived. Therefore, when one of them (instead of just doing the normal thing and receiving) turns it around and gives to others (particularly, children), it has human interest and news value. What would have happened if Martin Luther King had been leading the first black demonstrations in Chicago and the papers had ignored it—printing, instead, “Busy Black Man Finds Time To Help Children” and “Black, He Directs Music In City School”? I think you know what would have happened, and so do I. There would have been a furor of massive proportions. Yet, the incidents I have related passed without notice or ripple, almost as a matter of routine.

What I have said must be seen in perspective. The *Tribune*

writers and the other members of the Chicago press were not trying to put us down or conspire against us. They were calling it as they saw it, writing what tradition had taught them to write. Like any other cross-section of society, they doubtless were and are) people of integrity and good will. It was not a matter of morals or motives, but of comprehension. It was all tied up with their notions about blindness. Pathos, compensatory talents, musical ability, inspiration, bravery against odds, world of darkness, heartrending tragedy—these they (and even their editors) could understand: run-of-the-mill, good human interest, no sweat. But the blind as a minority? Discrimination? Marches? Confrontation with the social service agencies, the very people who were trying to help the blind? Ridiculous! The reporters couldn't understand it, and (at least, at the emotional level) they didn't believe it. So how could they write it? And even if they did, how could their editors approve it, or the public buy it? Forget it. Don't think about it. Let it alone.

Of course, the attitudes of the press are representative of the broader society, and the situation is certainly not unique. It is exactly the way the blacks were treated fifty years ago. They were lumped together and seen as a single caricature—good-natured, irresponsible, rhythmic, shiftless, and a mite dishonest—second-class all the way. A black person was never shown in a straight role on the stage or in the movies but only as a foot-shuffling, jolly simpleton. It was Amos and Andy and Uncle Remus and Aunt Jemima; and not only the blacks but all of us will bear the scars for generations to come because of the failure to understand, the lack of concern to care, and the absence of the courage to act. Fifty years ago it was the blacks. Today it is the blind. But we are organized, and we are on the move. We want no strife or confrontation, but we will do what we have to do. We are simply no longer willing to be second-class citizens. They tell us that there is no discrimination—that the blind are not a minority. But we know who we are, and we will never go back.



Lest you think I am picking on Chicago, let me say that New York was about the same. In July of 1973 (only a month after the NAC demonstrations in Chicago) the largest group of blind people ever to assemble anywhere in the world up to that time met in New York. For almost a week we discussed our hopes and our problems—planned and dreamed. Some 2,000 of us marched on NAC headquarters. There was a considerable amount of local radio and television coverage, and a little in the papers. Nationally there was hardly a ripple. I can only explain it as before.

It was not conspiracy or deliberate put-down. In some ways it was worse, for an individual can be made ashamed of prejudice and repression—but rarely of charity and kindness. They didn't understand it; they didn't believe it; and (above all) they didn't know how to write it. It didn't fit the image and the preconception.

Sometime back a local student chapter of the National Federation of the Blind undertook to analyze advertisements mentioning blindness. An ad to help people stop smoking came to their attention and resulted in the following correspondence:

Campana Corporation  
Division of Purex Corporation, Ltd.  
Batavia, Illinois

DEAR SIR: At our April meeting, we read part of an advertisement from your "University Plan To Help People Stop Smoking." The ad states in part: "Try smoking with your eyes closed and see how much of smoking is visual. Blind people rarely smoke, not only because of fire danger, but because they are not influenced by these visual aspects of smoking."

Since blind people do smoke as much and as often as their sighted friends, and since blind and sighted alike have little conscious concern for the fire hazard involved, we found your advertisement of Bantron both inaccurate and annoying. We hope that you will reread your information concerning Bantron, and see the misconceptions about blindness in it so they may be corrected. Thank you very much.



A courteous letter—not unreasonable or belligerent or full of recrimination. Back came the reply, loud and clear—saying, perhaps, more than its author intended or realized:

Thank you for your letter of April 29. Your comments about the sweeping generalization of blind people not smoking are well taken, and did indeed cause me to study the package directions for Bantron. Although I have yet to know a blind person who did smoke, I will concede the point on the basis that (a) you are more expert on the subject than anyone here, and (b) any such generalization such as blind people fearing fire, left-handed people being awkward, black people being shiftless, Italians gangsters, Jews cunning, Germans warlike, or Iowans as corn growers is by nature indefensible and inaccurate.

Unfortunately, Bantron is not a high volume product and it may be some time before package directions are next redesigned, and some time after that before the new directions achieve distribution. In fact, it may be years before your suggestions bear tangible fruit. But they have been considered and will be acted upon when the time finally arrives.

A casual (one might almost say, a cavalier) response. A rather glib admission that the statements about blindness in the ad were probably false and that nobody around the office had any real information on the subject—or, for that matter, cared to have any, one way or another. No recognition that lives might have been damaged or opportunities lost. Only the godlike statement that “it may be years before your suggestions bear tangible fruit. But they have been considered and will be acted upon when the time finally arrives”! What insensitivity! What contempt! What arrogance! What irrefutable proof of the absolute necessity for the National Federation of the Blind! Yet, they tell us that there is no discrimination—that we are not a minority. But we know who we are, and we will never go back.

Not only must we deal with the ad writers and the working press but also with Mr. Magoo—lovable Mr. Magoo. Because he is almost blind he bumbles and blunders through a series of bloopers—walking into telephone poles and apologizing to them

because he thinks they are people, patting the tops of fireplugs and speaking to them as children, and walking up half-finished skyscrapers to the brink of disaster and ruin. It's funny because he can't see and makes such stupid goof-ups. Never mind that blindness isn't like that and that no blind person in the world is so incompetent or stupid as to hit a telephone pole and believe it's a human or think the top of a fireplug feels like the head of a child or wander up the girders of an open building. It fits the stereotype, so it's hilariously comical.

But what does it do to blind people—to our public image and our private lives? A few weeks back I received a call from a blind woman in Indianapolis. She said, "The other day I was at the home of a friend, who is also blind, and her four-year-old son was watching Mr. Magoo on television. He turned to his mother in hurt and bewilderment and said, 'Mother, why are they making fun of you?'" My caller went on to tell me that later that same week she was walking down the street when a small child spit on her and said, "You're old Mr. Magoo." She was so shaken by the two incidents coming together that she called to ask what the Federation could do about it.

Of course, this negative behavior is not surprising from small children, or even from the public at large; but surely we have the right to expect better from the social service agencies, the very people who are supposedly knowledgeable and established to help us. Yet, an outfit in Seattle calling itself Community Services for the Blind (ultrarespectable and approved by the United Way) decided this spring to make Mr. Magoo the principal focus of its public relations and funding. The leaders of our Washington affiliate protested, but to no avail. A blind man on the Community Services board (Uncle Toms are, indeed, pathetic; and we have our full quota) thought it was funny, and even constructive. But the board's sighted president put it all in perspective:

The advertising message [he said in a letter to one of our members] is especially directed at people who are *responsible* for the blind—not at the blind themselves. We don't feel the blind person will tend to identify himself with Mr. Magoo, necessarily; in fact, many may not even know who he is. . . . If there is any kind of a negative aspect in the fact that Mr. Magoo has poor eyesight, it is all the more effective, just as a crippled child on a muscular dystrophy poster is more effective than a normal child. [Emphasis added.]

What a damning self-indictment! What an ironic commentary on the end of an era and the death of a system. Yet, they tell us that there is no discrimination—that the blind are not a ~~majority~~ <sup>MINORITY</sup>. But we know who we are, and we will never go back.

To round out the picture of the public mind, consider the following recent examples: A man wrote to me a few months ago saying that he would like to buy a cat or a dog for every blind person in Colorado Springs. "I saw a young blind boy," he said, "with a white cane and a puppy dog. He seemed so happy. If you think it would help, I would be glad to see every blind person in Colorado Springs has a pet. Cat or dog."

A dental hygiene student wrote to me from Fresno, California: "I am working on a research paper," she said, "concerning the special needs of visually handicapped or blind people with regard to dental care. I hope to determine: (1) how the dental procedure needs to be altered to accommodate them, and (2) special dental problems of these patients.

Recently a blind woman was in the hospital for gall bladder surgery. A tape on the foot of her bed was inscribed in large letters: "Patient is blind but self-sufficient." It's all tied up in the word "*but*." Am I quibbling? Not really. Is it subtle? Not very.

An expert on penology and social reform wrote to me to say that, in his opinion, the blind (regardless of their misdeeds) should not be put in the penitentiary. "If the seriousness of their

offense merits incarceration,” he said, “they should be dealt with in a special manner.” In other words, even in the “big house” we should be second-class and segregated.

The author of a book on the teaching of medical transcribing wanted her work put into Braille. “I wrote you,” she said, “because I have watched the teaching of this subject to the blind over a period of years and it is unnecessarily painful and lengthy. They do make first-rate transcribers and always seem so pathetically grateful for a chance to learn.”

A religious organization circulates a card called “Courtesies of Gentleness for the Sighted in Contacts with the Blind.” It says:

A handshake to a blind person is like a smile to a sighted person. So shake hands on greeting and on leaving your blind acquaintance. . . . Never fill to the brim a cup given to a blind person; it is too hard to keep on an even keel. Give him a refill instead. . . . Don’t express sympathy for a blind person in front of him. . . . In motoring, guard against slamming the car door on the blind person’s hands. Also see that he doesn’t extend his arm or hand outside the car. . . . Never force an approaching blind person to give you the right-of-way, for every time he has to deviate from his course, he loses his bearings.

In other words the blind can’t plan or do for themselves. Do it *for* them, and think for them, too. And don’t express pity for them—at least not to their faces. Gentle and courteous all of the way.

Incidentally, the Federationist who sent me this card said: “I find it demeaning and offensive.”

A doctor at the Mayo Clinic wrote: “I am sorry to say she is blind and cannot be helped. Anything you can do to make her life easier would be greatly appreciated.”

From Pennsylvania comes this:

Today I was advised by the Department of Labor Inspections Division that under the new life safety measures, which will emanate from the



Department of Health, Education, and Welfare, it will not be possible to allow a blind person to live on the second floor of a boarding house having more than three guests unless the building totally conforms with the federal specifications and standards.

Southern College, located in Orlando, Florida, announces:

Tuition for all students is basically \$417 per quarter. There is an additional quarterly fee of \$125 for visually impaired students.

In 1972 James Reston, the well-known syndicated columnist, commented on Senator Eagleton's forced withdrawal from the Democratic Vice-Presidential nomination:

This is not primarily Eagleton's fault, [Reston said] but the system's. That system is very compassionate to human beings whose age and health interfere with the efficient execution of their work. It tolerates Supreme Court justices who are in serious ill health or who are even almost blind.<sup>1</sup>

The key word (as I am sure I don't have to tell you) is *even*. That "even" is at the center of our problem as blind people. It takes for granted (as an obvious commonplace, needing no argument) that the blind are unable to perform competently as Supreme Court justices; in fact, that it is ridiculous even to assume that they might; and that any system which tolerates such manifest irrationality can only be explained on the basis of compassion.

Compassion, indeed! The compassion is often misplaced. Recently, for instance, we held a luncheon for employers so that they could get acquainted with blind job applicants, and the East Moline, Illinois, Metal Products Company saw no reason to come.

Because of the type of business we are in, [their letter said] metal stampings and weldments involving punch presses, shears, brakes, and welders,

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<sup>1</sup> Reston, James, "System at Fault in Eagleton Case," *The Kansas City Star*, Kansas City, Missouri, July 31, 1972.



we feel that we have nothing to offer the blind inasmuch as we have nothing in a counting or packaging type of work.

The irony is that one of the people attending the luncheon (totally blind from childhood) works every day shearing steel and operating presses. He has done it for fifteen years and is considered the best in the plant.

In Michigan in 1970 Tom Munn (a blind man) took a state civil service examination for the position of mechanic. He passed with a score of 96, and his name was placed on the register. He was not offered employment; others (with lower scores) were hired. In 1972 the Civil Service Commission created a separate list for the handicapped. Munn's name was transferred from the open register to the separate list, and his score was reduced from 96 to 70—which (regardless of performance) was the grade to be given to all so-called “successful” future blind applicants. Munn requested that his performance be evaluated. The request was refused. In 1974 (acting on his own) he secured a work trial evaluation with the Motor Transport Division of the Department of Management and Budget. He did the job without difficulty. The results were ignored. In 1975 (his patience finally exhausted) he contemplated a lawsuit. Officials of the state agency for the blind (the very people charged by law with the duty to help him) allegedly tried to coerce him into silence. Tom Munn and the National Federation of the Blind have now brought action in the federal courts against both the state agency and the Civil Service Commission. Yet, they call it compassion and say we are incompetent. They tell us that there is no discrimination—that the blind are not a minority. But we know who we are, and we will never go back.

Surely all of this is sufficient, but it is only illustrative. Southern Illinois University plans to make a study of the dating and mating selection patterns of the blind; the Minnesota Braille and Sight Saving School plans a course in sex education and wants

specialized materials and techniques; and the *National Enquirer* puts it all together in a November 11, 1973, article entitled “Finds Blindness Upsets Sexual Functioning.”

The sex drives of the blind [the article says] are upset by the inability to see light, states a West German researcher. Dr. H. J. von Schumann, of Dusseldorf, said he found that irregular menstrual cycles in blind women and loss of sexual ability in blind men seem related to their inability to see light. The hormone-producing system controlled by the pituitary gland appears to need stimulation by light if sex hormones it produces are to be kept at adequate levels.

Hardened as I am to ignorance and superstition, I still find it difficult to know exactly what to do with that one. I confess that I was reluctant even to bring it to you at all for fear some of the sighted (lacking first-hand experience) might be tempted to believe it. The demands of modesty and the wish to be seemly would seem to rule out any attempted refutation by personal laboratory performance, and the customs and laws of the day make it inadvisable to stage mass exhibitions to place the matter in perspective. So I guess the best I can do is this: Pick any random hundred of us, and put them alongside any random hundred of them; and I believe we will acquit ourselves with credit and pleasure—probably with volunteers to spare. Ask the sighted with the background to know.

What a dreary picture! We are dogless and lonely; we can't enjoy smoking; we are Mr. Magoo; we need pets to keep us company; we have different dental needs; we must be segregated, even in the penitentiary; we should be pitied, but not to our faces; we cannot live on the second floor of a boarding house; our college tuition is higher; we cannot shear steel or operate presses; we cannot compete in the civil service but must be content with a separate list and a score of 70; and, finally, we are even inadequate for the joys of sex. It would seem that all that is left is to pack it in; and even that is taken care of in an article on the right to death by choice appearing in the January, 1974, *Atlantic*:

I do not wish [the author says] to survive any accident or disease resulting in vision too impaired to see or read. A world without beauty seen is no world for me. A life without freedom and movement is no life for me. If age and illness deny me these, I choose death.<sup>2</sup>

So where does all of this leave us? In the first place it leaves us with the need for perspective; for as the saying goes, we have never had it so good. Despite the exclusions and the denials, we are better off now than we have ever been. It is not that conditions are worse today than they were ten or twenty years ago, but only that we are more aware of them. In the past we wouldn't have known of their existence, and even if we had, we wouldn't have been able to do anything about it. Today we are organized, and actively in the field. The sound in the land is the march of the blind to freedom. The song is a song of gladness. Yes, there are discriminations and misconceptions; but there are also joy and promise. The old is dying, and the new is at hand.

It is true that not all sighted people have good will toward us, but most do. As we begin to move toward first-class citizenship (especially, as we insist upon our rights), we will inevitably provoke hostility; but we will also inspire understanding and respect.

If we simply go forth with chips on our shoulders and bitterness in our hearts, we will lose. We must have greater flexibility and more positive belief in ourselves than that. There is a time to fight and a time to refrain from fighting; a time to persuade; a time to take legal action; a time to make speeches; a time to educate; a time to be humble; a time to examine ourselves to root out arrogance, self-deception, and phony excuses for failure; a time to comfort our fellow blind; and a time to stand unflinchingly and uncompromisingly with the fury of hell against impossible odds. Above all, we must understand ourselves and have compassion in our hearts, for the sighted as well as for our

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<sup>2</sup>Maguire, Daniel C., "Death by Chance, Death by Choice," *Atlantic*, Boston, Massachusetts, January, 1974.

fellow blind—and, yes, even for ourselves. We must have perspective and patience and the long view; and we must have the ability and the willingness to make sacrifices, and the courage to refuse to wait.

We must destroy a system which has kept us in bondage, but we must not have hatred in our souls for that system or that bondage—for the bitterness will destroy, not our enemies but us. We must recognize that the system was an indispensable element in making us what we are, and, therefore, that its chains (properly seen) are part of our emerging freedom—not to be hated or despised but to be put aside as outdated and no longer to be borne.

As we look ahead, the world holds more hope than gloom for us—and, best of all, the future is in our own hands. For the first time in history we can be our own masters and do with our lives what we will; and the sighted (as they learn who we are and what we are) can and will work with us as equals and partners. In other words we are capable of full membership in society, and the sighted are capable of accepting us as such—and, for the most part, they want to.

We want no Uncle Toms—no sellouts, no apologists, no rationalizers; but we also want no militant hellraisers or unbudging radicals. One will hurt our cause as much as the other. We must win true equality in society, but we must not dehumanize ourselves in the process; and we must not forget the graces and amenities, the compassions and courtesies which comprise civilization itself and distinguish people from animals and life from existence.

Let people call us what they will and say what they please about our motives and our movement. There is only one way for the blind to achieve first-class citizenship and true equality. It must be done through collective action and concerted effort;



and that means the National Federation of the Blind. There is no other way, and those who say otherwise are either uninformed or unwilling to face the facts. We are the strongest force in the affairs of the blind today, and we are only at the threshold. We must operate from a base of power—yes; but we must also recognize the responsibilities of power and the fact that we must build a world that is worth living in when the war is over—and, for that matter, while we are fighting it. In short, we must use both love and a club, and we must have sense enough to know when to do which—long on compassion, short on hatred; and, above all, not using our philosophy as a cop-out for cowardice or inaction or rationalization. We know who we are and what we must do—and we will never go back. The public is not against us. Our determination proclaims it; our gains confirm it; our humanity demands it. My brothers and my sisters, the future is ours. Come! Join me on the barricades, and we will make it come true.



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